



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

**NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE MILPITAS CITY COUNCIL
HAS BEEN SCHEDULED FOR TUESDAY, JANUARY 28, 2020 AT 5:30 PM
AT THE BARBARA LEE SENIOR CENTER, ROOMS 140/141
40 N. MILPITAS BLVD., MILPITAS, CA. AGENDA IS BELOW**

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

AGENDA

**TUESDAY, JANUARY 28, 2020
BARBARA LEE SENIOR CENTER, ROOMS 140-141
40 N. MILPITAS BOULEVARD, MILPITAS, CA
5:30 PM**

- I. CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**
- II. PLEDGE OF ALLEGIANCE**
- III. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- IV. APPROVAL OF AGENDA**
- V. PUBLIC FORUM**

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk and limit spoken remarks to 3 minutes. As an item not listed on the agenda, no response is required from City staff nor Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

- VI. CONSIDER FEBRUARY 1, 2020 PARADE AND APPROVE FEE WAIVER**
- VII. FISCAL YEAR 2020-21 BUDGET STUDY SESSION**
- VIII. ACTION ITEMS CARRIED OVER FROM JANUARY 21, 2020**
 - a) Resolution – Master Fee Schedule**
 - b) Introduce Ord. No. 304 Skate Park regulations**
- IX. ADJOURNMENT**

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider and approve Fee Waiver of \$932.63 for Special Event Permit for Parade on February 1, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)
Category:	Leadership and Support Services
Meeting Date:	1/28/2020
Staff Contact:	Mary Lavelle, City Clerk, 408-586-3001
Recommendation:	Consider the request and move to waive the special event permit fee of \$932.63 for Milpitas High School to hold a celebratory parade for the Milpitas High Trojans Football team on February 1, 2020.

Background:

In December 2019, the Milpitas High School (MHS) Trojans football won the state championship in their division. This is a request to waive the City's fee for a special event permit for a celebratory parade on Saturday, February 1, 2020 at 11:30 AM. Staff are coordinating with MHS to process the required special event permit and to ensure adequate public safety and all other necessary arrangements are made to accommodate the parade.

The adopted Fiscal Year (FY) 2019-20 Budget includes \$25,000 for donations, fee waivers, and events. Allocation of this money for the full Council versus individual Councilmembers was placed on past meeting agendas as a discussion item. However, due to time constraints, this topic has been deferred. The current fee waiver request is brought forward for Council consideration, prior to any further policy discussion. Seven fee waivers or requests for donations were already approved by City Council in the fall of 2019.

Given the budget allocation of \$25,000 and approval of previous requests, approximately \$18,342.11 is the remaining balance of funds for donations and fee waivers.

Analysis

Milpitas City Council adopted the "City Council Donation and Fee Waiver/Reduction Policy" on April 16, 2013. This policy allows Milpitas non-profit organizations to request City fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. Requesting groups must be local Milpitas non-profits and provide proof of non-profit status as issued by the federal Internal Revenue Service or the state Franchise Tax Board. Groups are requested to file a follow up report with the City Clerk after the event for which the fee waiver or funds were requested. MHS falls under the tax-exempt designation as stipulated under the California Revenue and Taxation Code Section 23701d as well as Internal Revenue Code Section 501(c)(3) since it is an educational institution that operates without benefiting an individual, group, or interest.

In addition to processing the fee waiver, staff from Public Works, Police, and Fire departments will provide limited support to enable timely community notification and traffic control and to ensure a safe community event. Staff will deploy message boards on Escuela Parkway at Russell Lane and Washington Drive at Escuela Parkway to notify residents of road closures (see attached map). Staff will also notify residents via social media platforms and the Milpitas Matters newsletter.

Fiscal Impact

\$25,000 was approved and included in the adopted FY 2019-20 City budget for City Council's Unallocated Community Promotions. If the current request is approved, \$17,409.48 would remain in that line item of the current year's budget.

Recommendation:

Consider the request and move to waive the special event permit fee of \$932.63 for Milpitas High School to hold a celebratory parade for the Milpitas High Trojans Football team on February 1, 2020.

Attachment:

List of FY 2019-20 requests granted by City Council
Map of Parade route

CITY COUNCIL UNALLOCATED COMMUNITY PROMOTIONS BUDGET

Fee Waiver + Other Requests by FY

Fee Waiver or Donation Requested by:	Event/Activity	Event Date	\$ Amount waived or donated	Date Approved or Scheduled for City Council Consideration	City Council Community Promotions Unallocated 100-100-4203 balance
<u>FY 2019-20</u>					\$25,000.00
Korean Language & Culture Foundation	Hangeul Day @Library - donation	9/19/2019	\$500.00	approved 9/3/2019	\$24,500.00
Milpitas Community Educational Endowment	Mid-Autumn Festival - donation	9/28/2019	\$500.00	approved 9/3/2019	\$24,000.00
American Cancer Society	Bark for Life run/walk - park rental fee waiver	10/5/2019	\$1,412.63	approved 9/17/2020	\$22,587.37
Sunnyhills Neighborhood Association	Halloween event - Park + Permit fee waiver	10/26/2019	\$1,112.63	approved 10/01/2019	\$21,474.74
Greater Love Church of God in Christ	carwash fundraiser - Permit fee waiver	10/5, 12 & 25, & 11/01/2019	\$932.63	approved 11/05/2019	\$20,542.11
Pragnya	Health 360 - waive rental fee for Community Center Auditorium	11/10/2019	\$1,000.00	approved 11/19/2019	\$19,542.11
Kiwanis Club of Milpitas	Crab feed - waive rental fee for Community Center Auditorium	2/07/2020	\$1,200.00	approved 11/19/2019	\$18,342.11
Milpitas High School	Parade - waive Special Event Permit fee	2/01/2020	\$932.63	scheduled 1/28/2020	\$17,409.48

Proposed February 1, 2020 Milpitas High School Parade Route





CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Fiscal Year 2020-21 Budget Study Session
Category:	Leadership and Support Services
Meeting Date:	1/28/2020
Staff Contact:	Ashwini Kantak, Assistant City Manager (408) 586-3053 and Walter Rossmann, Finance Director (408) 586-3111
Recommendation:	Fiscal Year 2020-21 Budget Study Session

Background:

The objective of this Study Session is to review the fiscal outlook of the City's General Fund over the next ten years and seek Council direction and feedback on items related to the development of the Fiscal Year 2020-21 budget. While no action will be taken during the Study Session, staff will seek Council feedback regarding the FY 2020-21 budget development community engagement plan, Council priorities for the next fiscal year, and review of some fiscal policies. Additionally, department heads will present, by Community Service Areas, major accomplishments and workplans as well as discuss operational constraints.

Major discussion items include:

1. Fiscal Outlook
2. Community Engagement and Budget Development
3. Review of Current Fiscal Year's Major Accomplishments, Workplans, and Operational Constraints by City Service Area
4. Council Priority Areas Review
5. Fiscal Policies Review

The Study Session will conclude with a public forum.

Attachments:

1. Budget in Brief
2. Draft PowerPoint presentation (to be distributed 1/27/20)



BUDGET IN BRIEF

CITY OF MILPITAS

Fiscal Year 2019-20



CITY OF MILPITAS

COMMUNITY VISION

Milpitas will preserve its close-knit community and rich cultural diversity as it moves with innovation into the future by supporting sustainable growth and development, ensuring public safety, enhancing the environment and natural landscape, and nurturing family and community connections.

ORGANIZATIONAL MISSION

The City of Milpitas is committed to accomplishing the community's vision by providing fiscally sound, superior services.

OUR VALUES

Superior Customer Service • Open Communication • Trust and Respect
Integrity and Accountability • Recognition and Celebration

COUNCIL PRIORITY AREAS

Public Safety • Environment • Transportation and Transit
Economic Development and Job Growth • Neighborhoods and Housing
Community Wellness and Open Space • Governance and Administration

INTRODUCTION

The City Council adopted the FY 2019-20 Budget in the amount of \$247.9 million at the June 11, 2019 City Council meeting. It is a balanced budget that reflects the funding necessary to address the highest priority needs of the Council, community and organization, while anticipating demands of a growing community and saving for the future.


The annual budget represents the City's priorities for making resource investments, both for the upcoming year and for the long-term future. The budget priorities reflect a significant level of participation from the Mayor and Council, our community, key stakeholders, and City staff. Through the budget, our common goal is to ensure that we use our limited resources as effectively as possible to deliver the services our community expects and deserves, and to operate with strong fiscal discipline and fiscal responsibility as stewards of the future.

To enhance City services for you, this budget includes the addition of 24.75 new positions, increasing the City's budgeted positions to 431.25. The Council added positions for Public Safety to respond to continued growth and development (e.g.: the new BART station anticipated to open later this year), focus on community policing services including crime prevention, and supplement County ambulance service to increase response time for critical incidents, pending receipt of federal grant funds. Through increased staffing in Community Services and Sustainable Infrastructure, the City will enhance maintenance of the City's trees, ensure compliance with stormwater and solid waste state and regional mandates, and increase the levels of customer service in the City's recreational services and special events (over 40 events and concerts are currently offered). This budget also invests in affordable housing projects and operations; a pilot Community Beautification program and Façade Improvement Grant program; a Better Block community engagement strategy; and a Citywide Rate Assistance program. These enhancements in direct services also require increased staffing in Leadership and Support Services, and investments in technology to better support public safety and other front-line departments and ensure compliance with current laws and regulations, and implement best practices.

The FY 2019-24 Five Year Capital Improvement Program (CIP) in the amount of \$429.3 million was also approved in June 2019. For FY 2019-20, the first year of the plan, the CIP budget is \$62.5 million, or 25% of the total FY 2019-20 Adopted Budget of \$247.9 million. The CIP budget includes the cost of construction, expansion or rehabilitation of the City's physical plant and facilities. Noteworthy projects being funded in FY 2019-20 include Fire Station #2 Replacement; resurfacing of streets; upgrades to our wells; an update to our Parks and Recreation Master Plan; TASP (Transit Area Specific Plans) trails; a Citywide Traffic Safety assessment; an update to our Climate Action Plan; and the replacement of the City's water meters to electronically collect water usage. Projects included in the first year of the CIP document (FY 2019-20) are funded from a variety of sources of

available revenue such as the Water Fund, gas tax, grants, and developer fees. There are always more projects in need than there is funding available, and at this point, there are several projects totaling \$157.5 million over the Five Year CIP budget that do not have identified funding sources. These projects include Recycled Water Pipeline Segments 1-5 (\$45.0 million) to diversify the water supply system; various renovations at parks upon completion of the Parks and Recreation Master Plan (\$44.0 million) for picnic and playground improvements, ADA (Americans with Disabilities Act) access and path improvements, restroom installation, and renovation of lighting, irrigation, and landscaping; Fire Station #3 Replacement located on Midwick Drive (\$21.5 million) to be designed to meet the current "Essential Services Buildings" requirements as well as current Building and Fire codes; replacement of pump stations and equipment at the Jurgens Pump Station and Penitencia Pump Stations that have reached the end of their useful life (\$15.0 million); and Midtown Street Light Project (\$7.0 million) for the installation of Midtown decorative street lighting and signal improvements along South Main Street from Carlo Street to Great Mall Parkway.

This Budget-In-Brief document is intended to highlight major investments being made in the City of Milpitas for the upcoming year and to provide facts about the City. It will also present the major sources of funding and the services provided by the City, including the infrastructure it constructs and maintains. For a more detailed description of major funding changes, I invite you to read the transmittal letter of the FY 2019-20 Operating Budget and the FY 2019-24 Five Year CIP Budget by visiting the City of Milpitas website at www.ci.milpitas.ca.gov. For comments regarding the budget or this document, please send an email to budgetgroup@ci.milpitas.ca.gov.



Respectfully,
Steven G. McHarris
Interim City Manager



CITYWIDE BUDGET

The Fiscal Year (FY) 2019-20 Citywide expenditure budget totals \$247.9 million and funds 431.25 full time equivalent positions. As shown in the chart below, the majority of expenditures support the General Fund, the City's main fund to pay for city services such as police and fire protection, administration, street maintenance, and recreation. These activities utilize most tax dollars, such as property tax and sales tax, but are also supported by licenses and permits, fines, and investment earnings.

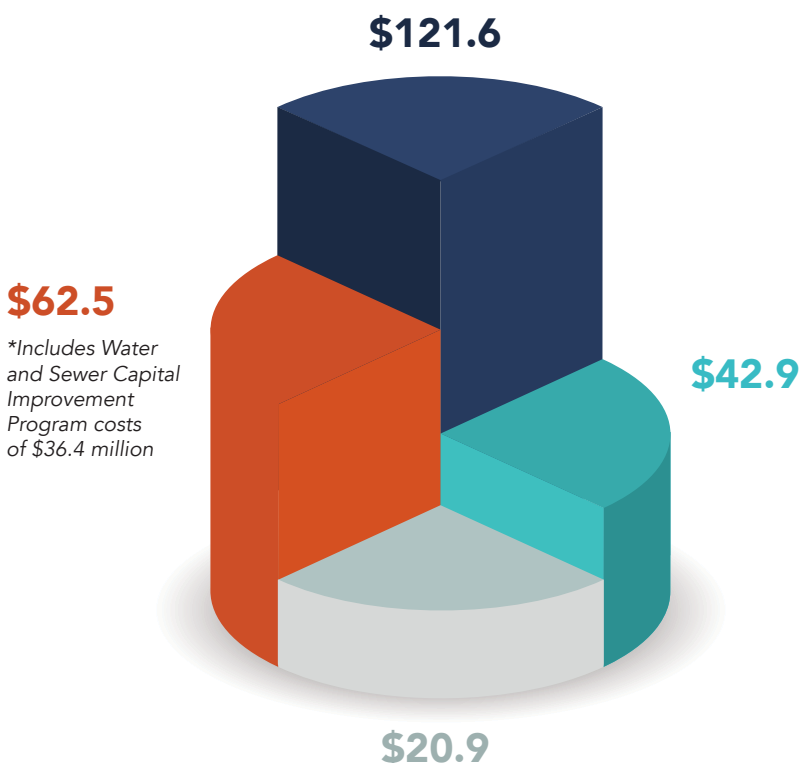
Some activities in the General Fund, such as building inspection and some recreation functions, are also intended to be substantially and partially self-supporting, respectively, through fees for services. Detail on services provided by the General Fund are shown on page 7.

The second largest expenditure of \$62.5 million is for Capital Improvements. These are funds for the cost of all acquisition, construction, expansion or rehabilitation of the City's physical plant and facilities. Projects completed in the last year included traffic management enhancements that provided software and equipment upgrades to monitor and control the roadway network throughout the City, traffic counts and studies, and a speed survey;

roadway improvements and repairs throughout the City at McCarthy Blvd., N. Milpitas Blvd., Dixon, A. Abbott Ave., Tasman Dr., Yosemite Dr. and S. Dempsey Dr., and S. Main St; and the rehabilitation of the existing 30" sewer main along Marylinn Dr. and under the I-880 freeway. Further detail on the City's FY 2019-20 Capital Budget is provided on page 9.

Utility Funds are budgeted at \$79.3 million (includes CIP (capital improvement program) and operating costs) for FY 2019-20. These funds are used to account for specific services which are funded directly by utility fees and charges to users. In Milpitas, Enterprise Funds include the Water Fund and Sewer Fund. The intent is that these funds are completely self-supporting and not subsidized by general fund revenue or taxes. The utility bills sent to each household and business in the community charge for the cost of providing water and sewer services. Please see page 8 for further detail on the Enterprise Funds.

Other funds include Special Revenue Funds such as the Housing Authority Fund, Gas Tax Fund, Community Facility Districts Funds, and Measure B Fund.



CITYWIDE FY 2019-20 ADOPTED BUDGET BY FUND TYPE

49%

General Fund

25%

Capital Improvements

17%

**Water and Sewer
(operations) Funds**

9%

Other Funds

Total = \$247.9

All numbers indicated are in \$ millions.

FY 2019-20 BUDGET HIGHLIGHTS

Police Department Staffing: \$1,390,000

Added staffing to increase response capacity due to continued growth and the new BART station, community policing services including crime prevention, and analytical support.

Ambulance Service \$630,000

Added funding to operationalize the enhanced ambulance service supplementing the County-provided ambulance service.

Development Services staffing \$672,000

Added staffing and reassigned existing positions to increase response times for development-related activities such as long-term planning, plan check, and inspection services.

Community Vitality Pilot Programs \$350,000

The Pilot Community Beautification Grants Program (\$200,000) dedicates funds for beautification projects including art projects throughout the City. The Pilot Façade Improvement Grant Program (\$100,000) available to businesses and property owners along S. Main Street in downtown dedicates funds to enhance the physical appearance and economic vitality of commercial businesses including the creation of outdoor dining or gathering spaces to promote activity in the downtown. The Better Block Events (\$50,000) transform several blocks of a commercial corridor over a few days with temporary pop-up shops, parklets, bike paths, outdoor seating and other place-making activities that will help transform S. Main Street into a vital commercial corridor and community-gathering place.

Affordable Housing Projects and Homeless Services \$2,185,000

Established a \$2 million Housing Community Benefit Fund; provided and added funding for tenant protection, tenant support, and homeless services.

Rate Assistance Program \$462,000

Provided funding for a Rate Assistance Program for water and sewer charges and Building and Planning fees.

Recreation Programs, Special Events and Concerts \$670,000

Added staffing to increase support for recreation classes, youth and aquatics programs, facility room rentals, park rentals, special events and concerts.

Parks and Tree Maintenance \$480,000

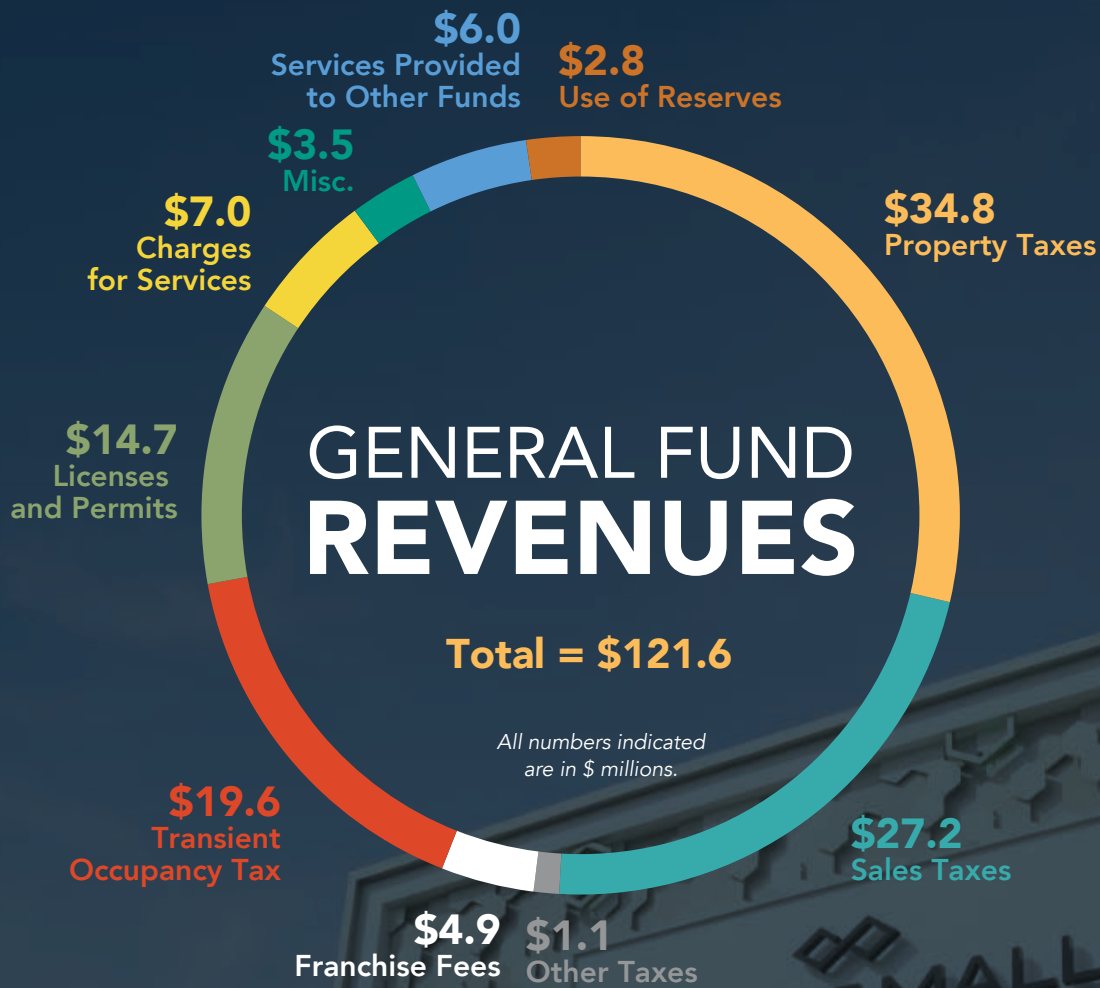
Added staffing for the City's park and tree maintenance program and to assist in the implementation of the Urban Forest Management Plan.

Vehicle Charging Stations \$200,000

Added funding to install electric vehicle charging stations partnering with Silicon Valley Clean Energy and the private sector.

Community Engagement \$275,000

Adding funding for translation services and an improved website, additional community outreach related to the 2020 Census, and an annual community survey.



Property Taxes

For every \$1,000 in property taxes paid, the City receives approximately \$162. The majority of property taxes support the local schools.

Sales Taxes

For every \$100 in taxable purchases, \$9 is collected in sales tax. Of this amount, the City receives approximately \$1. The majority of the \$9 in sales tax benefits the State.

Other Taxes

Combination of the Real Estate Transfer Tax and Business License Tax.

Franchise Fees

Fees from utilities and organizations to operate facilities within the City for Electric, Gas, Garbage, Natural Gas, and Cable Television services.

Transient Occupancy Tax

Visitors staying at hotels in Milpitas pay an additional 14% tax applied to their room rate. This rate was increased from 10% to 14% effective January 2019.

Licenses and Permits

Fees paid to ensure that structures are up to the current Building and Fire codes to ensure safety of the occupants and environment.

Charges for Services

Services, mostly from Recreation fees, are collected for general government purposes. Other services provided by Police, Fire, Public Works, and General Government.

Miscellaneous

Includes fines, interest income, money received from other agencies, and other miscellaneous revenues.

Services Provided to Other Funds

Funds received from Utilities and other funds for support services provided by the General Fund.

Use of Reserves

Use of Fund Balance for revenues to equal expenditures.

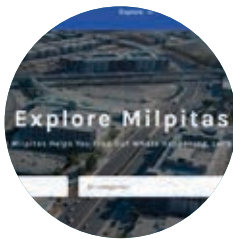
GENERAL FUND EXPENDITURES



Public Safety 49%

Police\$36.4
Fire.....\$23.2

Total = \$59.6



Community Development 15%

Development Services.....\$14.1
Housing and Neighborhood
Services\$3.5

Total = \$17.6



Community Services & Sustainable Infrastructure 18%

Recreation Programs
and Special Events\$6.5
Facilities, Park, Streets,
and Trees Maintenance\$9.2
Public Works Construction\$6.3

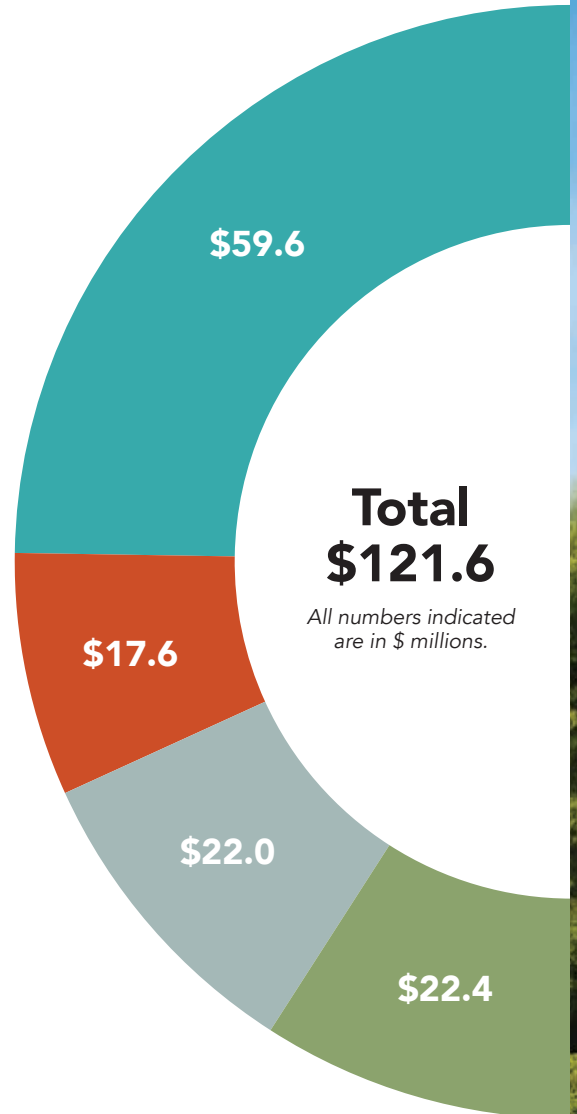
Total = \$22.0



Leadership & Support Services 18%

City Council\$0.6
City Manager.....\$2.3
City Administrative Services\$19.5

Total = \$22.4



ENTERPRISE FUNDS

Total = \$79.3

All numbers indicated are in \$ millions.

\$7.9 Water Capital Improvement Program



\$28.5 Sewer Capital Improvement Program



\$28.6 Water Maintenance and Operations



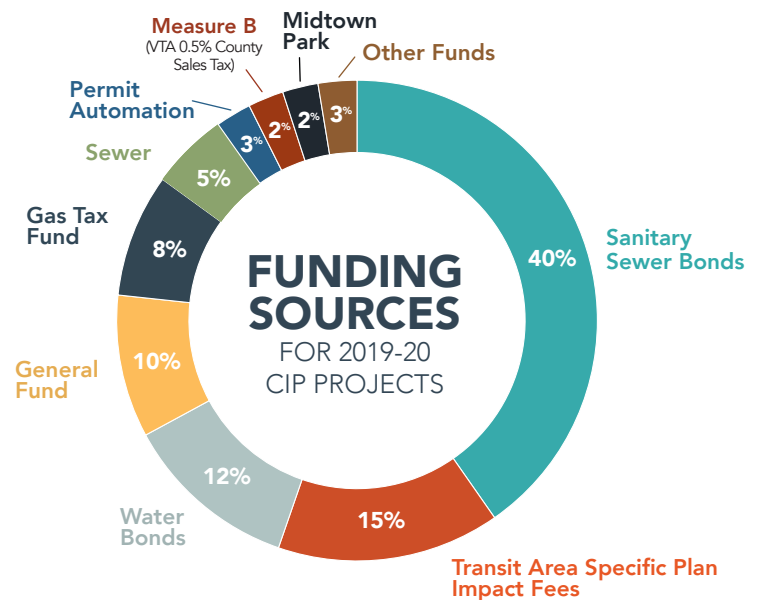
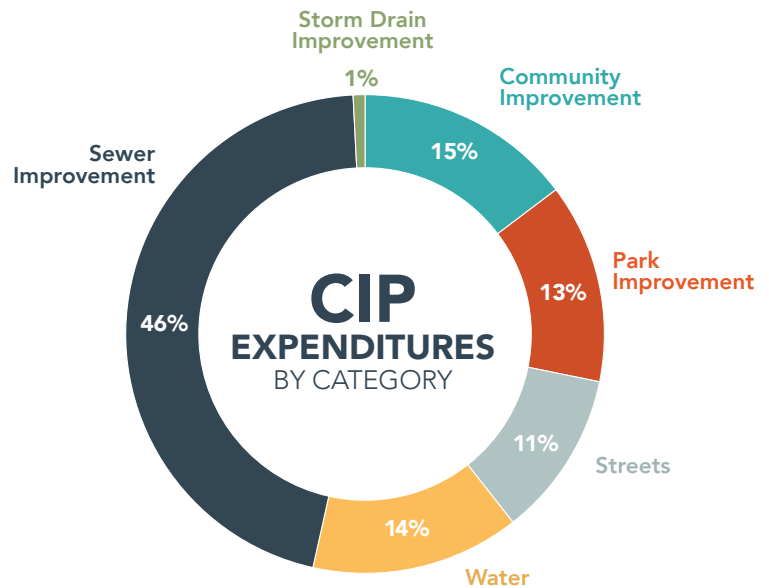
\$14.3 Sewer Maintenance and Operations



CAPITAL BUDGET INFORMATION

The City includes the cost of all acquisition, construction, expansion or rehabilitation of the City's physical plant and facilities in the Capital Improvement Budget. The total FY (Fiscal Year) 2019-20 Capital Improvement Program (CIP) funding is \$62.5 million, \$18.6 million more than the FY 2018-19 CIP, primarily due to the San Jose/Santa Clara Regional Waste Water Facility ("the Facility") project budgeted at \$25.2 million for FY 2019-20. The City contracts with the Facility to treat the City's sewage.

Other noteworthy projects approved for funding in FY 2019-20 include Street Resurfacing Project 2019-20 (\$4.6 million) for annual roadway improvement and repairs to Bellew Dr., Technology Dr., SanDisk Dr., Murphy Ranch Rd., and North and South Hillview Dr.; Fire Station #2 Replacement (\$4.3 million) for the replacement of the existing 50 year old fire station located at 1263 Yosemite Drive; Well Upgrade Project (\$3.5 million) for a future well at the McCandless Park site and upgrades to Pinewood and Curtis wells for water supply augmentation; TASP (Transit Area Specific Plan) Multi-Use Trails along Penitencia Creek (\$3.27 million) for bicycle and pedestrian use; Automated Water Meter Replacement Program (\$2.9 million) for the replacement of all City water meters with automated remote reading meters; Parks and Recreation Master Plan Update (\$0.6 million) for updates to the current Master Plan to plan for future growth of the City; Citywide Traffic Safety Assessment (\$0.4 million) for an assessment to determine enhanced safety measures throughout the City; and Climate Action Plan Update (\$0.2 million) for an update to the current Plan.



LIST OF MAJOR PROJECTS

Project	2019-20 Funding Amount	Projected 5 Year Cost
San Jose/Santa Clara Regional Waste Water Facility	\$25,190,050	\$57,107,101
Street Resurfacing	4,600,000	23,000,000
Fire Station #2 Replacement	4,300,000	19,500,000
Well Upgrade	3,500,000	17,000,000
Transit Area Specific Plan Multi-Use Trails	3,270,000	3,270,000
Automated Meter Replacement Program	2,900,000	8,990,000
Parks and Recreation Master Plan Update	600,000	600,000
Citywide Traffic Safety Assessment	400,000	400,000
Climate Action Plan Update	200,000	200,000
Total	\$44,960,050	\$130,067,101



CITY OF MILPITAS AT A GLANCE

General Data

Year that Milpitas residents incorporated as a city	1954
Total square miles of City limit	13.62
Population (U.S. Census, July 1, 2018 population estimate)	80,430
Total registered voters (November 2018)	29,931
Total number of votes cast in the November 2018 election	19,817
Miles of streets	298
Number of street lights	5,119
Average household income	\$110,752
Percentage of homeowners	64
Median price of a home (as of June 2018)	\$1,040,250

Public Safety

Number of fire stations	4
Number of fire apparatus	15
Number of fire hydrants	2,038
Number of police stations	2
Number of crossing guard posts	30
Number of police patrol vehicles	29

Utilities

Number of residential water utility customers	14,721
Number of commercial water utility customers	2,206
Number of recycled water customers	205
Average daily consumption of water in million gallons	7.56
Miles of water mains	213
Miles of sanitary sewers	175
Miles of storm drains	105

Parks and Recreation

Acres of parkland	195
Number of parks	36
Number of swimming pools	3
Number of playgrounds	40
Number of participants in recreation programs/classes	22,019
Number of attendees at special events (FY2018-19)	31,700



Future Development:
355 Sango Court - 100% Affordable Housing Project

MAJOR DEVELOPMENT ACTIVITIES

GENERAL PLAN UPDATE

- Considered the blueprint for future development, the General Plan defines a long-term vision for future growth, traffic circulation, economic development, health, housing and resource conservation
- The Plan has not had a comprehensive update since it was adopted in 1994
- The update to the General Plan identifies opportunity sites where changes to land uses and development patterns may be appropriate over the next 20 years
- With input from the community, stakeholders, appointed and elected officials, a draft of the Plan update is anticipated to be completed in early 2020
- To follow the development of the General Plan Update, please visit: milpitas.generalplan.org

TRANSIT AREA SPECIFIC PLAN (TASP)

- Adopted in June 2008 and updated in 2011
- Medium to high-density development surrounding the future Montague/Capitol BART station and two VTA light rail stations
- Foster economic development of the area, strengthen and expand retail uses to increase sales tax revenues, attract major retailers and provide housing and amenities, such as parks, retail and restaurants
- As of July 2019, the residential unit cap imposed is very close to being met, and an update to the Plan to address additional housing units is expected to be completed by 2020

RESIDENTIAL DEVELOPMENT

- An improving economy and high median home prices led to a heightened interest in residential developments
- Outside of Midtown and Transit Area, there are several residential developments that are under construction or completed and occupied
- Proposed single family home development for 36 lots, including 10 accessory dwelling units (ADUs) at 1005 Park Victoria Drive
- A new townhome development at 1210 California Circle
- Various small-scale infill projects throughout the City



CONTACT INFORMATION

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Carmen Montano

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Councilmember

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Councilmember

Anthony Phan

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Councilmember

Steven G. McHarris

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Interim City Manager

CITY HALL

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Americans With Disabilities Act Statement

In compliance with Americans with Disabilities Act (ADA) of 1990, this document may be provided in other accessible formats.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Amending FY 2019-20 Master Fee Schedule
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/28/2020
Staff Contact:	Walter C. Rossmann, 408-586-3111
<u>Recommendation:</u>	Adopt a Resolution Amending the FY 2019-20 Master Fee Schedule

Background:

The City maintains a Master Fee Schedule identifying various services provided by the City and corresponding fees for service. The Master Fee Schedule was most recently comprehensively updated as part of the FY 2019-20 budget process and adopted by the Council on May 15, 2019. Over the course of the year, minor amendments are made to the fee schedule to incorporate new fees or amend existing fees. The Master Fee Schedule is intended to serve as the City's primary repository for a consolidated listing of user and regulatory fees for services.

Analysis:

The Master Fee Schedule adopted on May 15, 2019 inadvertently excluded several existing fees for services. In order to ensure the Master Fee Schedule captures all existing fees for service, staff recommends incorporating the excluded fees into the Master Fee Schedule. No new fees or fee increases are proposed as a result of this action. The listing of fees to be incorporated into the Master Fee Schedule are included in the attached Resolution which include Police Administrative Fees (e.g.: Administrative Tow Fees, Fingerprinting Fees); fees related to the discontinuation and restoration of water service as approved by the Council in December 2019; miscellaneous Building fees (e.g.: digitizing fee); as well as sewer fees (e.g.: inspection fee, house lateral fee).

Policy Alternatives:

Not applicable.

Fiscal Impact:

Since these are existing fees and no changes are proposed, there is no fiscal impact.

California Environmental Quality Act:

The fees (charges) authorized by this Resolution are statutorily exempt from environmental review under Public Resources Code Section 21080(b)(8) of the California Environmental Quality Act, which provides an exemption for the establishment or modification of charges by public agencies, which the public agency finds are for the purpose of meeting operating expenses.

Recommendation:

Adopt a Resolution Amending the FY 2019-20 Master Fee Schedule.

Attachments:

Resolution Amending the FY 2019-20 Master Fee Schedule

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE FY 2019-20
MASTER FEE SCHEDULE

WHEREAS, the City of Milpitas (the “City”) maintains a Master Fee Schedule identifying various services provided by the City and corresponding fees for service; and

WHEREAS, the Master Fee Schedule is updated periodically to reflect adjustments to existing fees or incorporate new fees; and

WHEREAS, the Master Fee Schedule is intended to serve as the City’s primary repository for a consolidated listing of user and regulatory fees; and

WHEREAS, the Master Fee Schedule currently excludes several existing fees for services as identified in **Exhibit 1** of this Resolution; and

WHEREAS, incorporating the excluded fees into the Master Fee Schedule will allow for the fees to be considered with future periodic fee updates; and

WHEREAS, no new fees or fee increases are proposed as a result of this action; and

NOW, THEREFORE, the City of Milpitas hereby finds, determines, and resolves as follows:

1. The above recitals are true and correct and by this reference incorporated herein.
2. The City Council hereby amends the FY 2019-20 Master Fee Schedule to incorporate the fees and charges identified in **Exhibit 1** of this Resolution.
3. The FY 2019-20 Master Fee Schedule is amended as expressly provided by this Resolution, but shall otherwise remain in effect.
4. This Resolution shall take effect immediately.

PASSED AND ADOPTED this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

AMENDMENTS TO FY 2019-20 MASTER FEE SCHEDULE

EXHIBIT 1

Item #	Department	Fee Type	Department Subcategory	Description	Current Fee	Proposed Fee	\$ Change	Note
1	Building, Safety & Housing	User Fee	Other Plan Check and Inspection Permit Fees	Inspection Investigation Fee (construction without permits)	100% of Inspection fee Document size up to 11x17 - 1st 10 pages - \$1/ea additional pages \$0.5/ea	100% of Inspection fee Document size up to 11x17 - 1st 10 pages - \$1/ea additional pages \$0.5/ea	\$0	
2	Building, Safety & Housing	Misc.	Building Misc.	Digitizing Fee	Document size larger than 11x17 - \$4/ea	Document size larger than 11x17 - \$4/ea	\$0	
3	Building, Safety & Housing	Misc.	Building Misc.	Digitizing Fee	\$4/ea	\$4/ea		
4	Police	Misc.	Police Misc.	Officer Subpoena	\$275	\$275	\$0	
5	Police	Misc.	Police Misc.	Records Subpoena	\$15	\$15	\$0	
6	Police	Misc.	Police Misc.	Booking Fee	\$139	\$139	\$0	
7	Police	Misc.	Police Misc.	Administrative Tow Fees - Impound	\$346	\$346	\$0	
8	Police	Misc.	Police Misc.	Administrative Tow Fees - Stored	\$50	\$50	\$0	
9	Police	Misc.	Police Misc.	Repossession Fee	\$15	\$15	\$0	
10	Police	Misc.	Police Misc.	Fingerprints - Ink Card Up to (2) Cards	\$25	\$25	\$0	
11	Police	Misc.	Police Misc.	Fingerprints - Ink Card Over (2) Cards (Each Additional Card)	\$5	\$5	\$0	
12	Police	Fines	False Alarm Fines	False Alarm: Fifth Offense (Calendar Year)	\$100	\$100	\$0	
13	Police	Fines	False Alarm Fines	False Alarm: Sixth Offense or More (Calendar Year)	\$250	\$250	\$0	
14	Police	Misc.	Fire Misc.	Fire Reports	\$13	\$13	\$0	
15	Finance	Penalty	Utilities	Final Notice Penalty	5%	5%	0%	
16	Finance	Penalty	Utilities	Tag Penalty-Reminder Notice	5%	5%	0%	[j]
17	Finance	Penalty	Utilities	Notice to Discontinue Service	\$10	\$10	\$0	
18	Finance	User Fee	Utilities	Restoration Fee - Regular office hours	\$50	\$50	\$0	
19	Finance	User Fee	Utilities	Restoration Fee - After office hours	\$125	\$125	\$0	
20	Finance	Deposit	Water Service Charges	Construction Water Meter Deposit	\$2,000	\$2,000	\$0	
21	Finance	Deposit	Water Service Charges	Deposits for service	\$150	\$150	\$0	
22	Public Works	User Fee	Water Meter	Water Meter Testing - Residential Deposit	\$110	\$110	\$0	[a]
23	Public Works	User Fee	Water Meter	Water Meter Testing - Commercial Deposit	\$300	\$300	\$0	[a]
24	Public Works	Penalty	Public Sewers	Delinquent Fees	varies	varies	\$0	[b]
25	Public Works	Penalty	Public Sewers	Civil Penalties	varies	varies	\$0	[c]
26	Public Works	User Fee	Public Sewers	Unmetered Wastes	varies	varies	\$0	[d]
27	Public Works	User Fee	Public Sewers	Authority to Disconnect	varies	varies	\$0	[e]
28	Public Works	User Fee	Public Sewers	Payment for Sewage Services	varies	varies	\$0	[f]
29	Public Works	User Fee	Public Sewers	Inspection Fees	varies	varies	\$0	[g]
30	Public Works	User Fee	Public Sewers	House Lateral Fee	varies	varies	\$0	[h]
31	Public Works	User Fee	Public Sewers	Disbursements of Short Side Charges	varies	varies	\$0	[i]

AMENDMENTS TO FY 2019-20 MASTER FEE SCHEDULE

EXHIBIT 1

- [a] If meter is not accurate, deposit is refunded. If meter has been tampered with, the resident or business is charged for the repair.
- [b] See City of Milpitas Municipal Code Section VIII-2-5.33. Permit applications are due ninety (90) days prior to commencing discharge to the sanitary system or expiration of existing discharge permit. Any person who fails to file an application for a discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows: (1) Up to and including thirty (30) days delinquency, the penalty shall be fifty percent (50%) of the permit fee. More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee. (3) More than one(1) year delinquency, the penalty shall be one thousand percent (1,000%) of the permit fee. (b) Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the City may have with respect to the discharge.
- [c] See City of Milpitas Municipal Code Section VIII-2-5.50. Any person who intentionally, accidentally, or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally, accidentally, or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.
- [d] See City of Milpitas Municipal Code Section VIII-2-6.02. Where rates are herein specified to be in accordance with the use of water, all such premises shall be separately metered. Where such metering is not provided, or for newly constructed units, the City shall make a reasonable estimate of the volume of water consumed to be used as a basis for sewer service charges.
- [e] See City of Milpitas Municipal Code Section VIII-2-6.03. In the event of a failure to pay the charges as provided for sewage service, the City is authorized to disconnect sewer or water service, or both.
- [f] See City of Milpitas Municipal Code Section VIII-2-6.04. All accounts are due and payable within fifteen (15) days of the date of the bill. Accounts shall become delinquent and a late fee equal to five percent (5%) of the amount due shall be imposed if a payment has not been received by 5:00 p.m. on the due date.
- [g] See City of Milpitas Municipal Code Section VIII-2-7.01. Each connector shall pay a fee to City for issuing of each permit, for the inspection of each house lateral, house sewer or side sewer, the sum of five dollars (\$5). Where connector has on file with the City cash deposit for inspection of work, no inspection fee shall be required. In such case, all cost and expenses incurred by City in inspection of the connection shall be made from said deposit.
- [h] See City of Milpitas Municipal Code Section VIII-2-7.02. Before the issuance of a permit for the installation of a house lateral, connector shall pay City a fee which shall include the following: (A) An engineering charge to defray the cost of processing the permit application, which shall be an amount equal to forty cents (\$0.40) times one-half the width of the street expressed in feet in which the house lateral is being constructed. (B) A short side charge shall be collected in all cases where the main or trunk to which connection is being made is located between the center line of the street and the property to be served. Said short side charge shall be an amount equal to four dollars and fifty cents (\$4.50) times the distance in feet between the center line of the street and the main or trunk sewer to which the connection is being made. The purpose of this charge is to equalize connection cost for property on both sides of the street.
- [i] See City of Milpitas Municipal Code Section VIII-2-7.03. The City Council may disburse to connectors whose house laterals connect to a main or trunk sewer at a point beyond the center line of the street an amount equal to \$4.50 times the distance in feet between the center of the street and the main or trunk sewer to which said connection was made.
- [j] This fee has been modified since the original adoption of the FY2019-20 Master Fee Schedule, in order to implement the policy for discontinuance of residential water service. This item was heard for the first reading on December 3, 2019 and the second reading was on December 17, 2019 with the effective date of February 1, 2020.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Introduce Ordinance No. 304 Adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	1/28/2020
Staff Contact:	Renee Lorentzen, Recreation and Community Services Director, 408-586-3409
Recommendation:	Waive the first reading and introduce Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

Background:

The new Milpitas Skate Park at the Milpitas Sports Center Complex grounds is expected to open in summer 2020. As this is a specialized facility for an activity that includes elements of physical risk, staff is recommending adoption of regulations specific to this park site to promote and communicate safe use rules to the public.

Analysis:

Many cities, including Milpitas, routinely add sections to their Municipal Codes governing acceptable use of specialized city facilities, when general park rules are insufficient to address the concerns that are unique to a specialized facility.

Ordinances governing Milpitas' Park use (Title V, Chapter 9) already include regulations related to use of the City Dog Park located at Ed Levin Park and restricting the types of activities allowable on tennis courts.

Regulations for specialized facilities are particularly advisable when the intended use is a potentially hazardous recreational activity.

California Government Code section 831.7 provides that public entities and public employees are not liable for injuries and property damage incurred by persons who voluntarily place themselves at risk by participating in a hazardous recreational activity that the person, including persons who assist the participant or spectators, who knew or reasonably should have known the activity created a substantial risk of injury. Skateboarding is deemed a hazardous recreational activity within the meaning of California Government Code section 831.7. for persons 12 years of age or older, when a skateboard park is on public property and the local public agency adopts an ordinance and posts signs requiring a person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads. (Cal. Health & Safety Code section 115800.) (Note: this section does not limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property.)

Further, Section 115800 of the California Health and Safety Code says, with respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of riding a recreational skateboard, recreational skateboard use, and that is not supervised on a regular basis, the requirements may be satisfied by compliance with the following:

1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads; and

2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph

By establishing regulations governing safe use of a facility and posting on signage at the facility, cities can alert participants, parents and guardians, and spectators of the risks involved and offer guidelines to help prevent injury.

In anticipation of the opening of the Milpitas Skate Park, staff researched rules and/or regulations that have been adopted and/or posted at dedicated skate park facilities in nearby cities, including the City of Fremont's Skatepark at Central Park, Santa Clara Skate Park, and the City of San Jose, which has multiple dedicated skateboard facilities.

Staff has used this information to help draft the attached proposed Ordinance with regulations for the Milpitas Skate Park. In summary, Ordinance 304 would establish safety rules based on common safety practices at similar facilities in the area. If adopted, the ordinance could provide additional legal protection for the City in the event of future injuries incurred at the Skate Park as a result of unsafe use by the public.

Ordinance 304 would limit Skate Park use to skateboarders and others operating non-motorized, wheeled devices. It would require parents or guardians to accompany users under age 12 and require all users to wear safety gear, including helmets. It would prohibit use of user-supplied obstacles, ramps and jumps, eating, drinking, smoking, vaping and animals on the skate surface, and any other reckless and unsafe behavior. It would declare that Skate Park users use the facility at their own risk, no onsite supervision is provided, and the City is not responsible for injuries and damage.

Policy Alternatives:

Alternative 1: Do not introduce Ordinance No. 304 adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park.

Pros: There are no pros associated with not introducing Ordinance No. 304.

Cons: Without formal safety regulations in place, the City will have difficulty enforcing safe use of the Skate Park facility and could subject Skate Park users to unnecessary risk of injury and leave the City liable if an injury occurs.

Reason not recommended: Existing park regulations are not sufficient to ensure safe use at a specialized Skate Park facility.

Fiscal Impact:

There is no immediate fiscal impact. However, ultimately adopting Ordinance No. 304 could help protect the City against costly litigation in the event of a serious injury sustained by a future Milpitas Skate Park user.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 304, adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

Attachment:

Ordinance No. 304 for introduction

PLEASE NOTE:

This copy of Ordinance No. 304 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

REGULAR

NUMBER: 304

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADDING SUBSECTION 7.02 TO CHAPTER 9 (PARKS) OF TITLE V OF THE
MILPITAS MUNICIPAL CODE RELATING TO THE MILPITAS SKATEPARK**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas has dedicated the Milpitas Skate Park facility at the Milpitas Sports Center Complex for the purpose of skateboarding, rollerblading and other recreational activities using non-motorized wheeled devices; and

WHEREAS, skateboarding, rollerblading and other recreational activities using wheeled devices are inherently hazardous recreational activities; and

WHEREAS, the City of Milpitas desires to establish facility use regulations to ensure safe use of the Milpitas Skate Park; and

WHEREAS, the City of Milpitas desires to limit its liability by clearly communicating safe use regulations to the public.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 9, SECTION 7

Title V, Chapter 9, Section 7 of the Milpitas Municipal Code is hereby amended to add subsection V-9-7.02, to read as follows:

V-9-7.02 - Use of the Milpitas Skate Park, located at the Milpitas Sports Center Complex

7.02-1 The purpose of this subsection V-9-7.02 is to provide regulations governing the conduct of Milpitas Skate Park users for the purpose of enforcement and administration in addition to the general regulations in Chapter 9.

7.02-2 The following regulations shall apply at the Milpitas Skate Park:

1. Users are required to wear helmets, knee pads and elbow pads at all times in the skate bowls.
2. Non-city provided obstacles, ramps or jumps are not allowed.
3. Skate Park use is on a first-come, first-served basis. The facility is open to all skateboarders, roller skaters, cyclists, wheelchair users and others operating non-motorized, wheeled devices.
4. Users under twelve (12) years of age must be accompanied by a parent or guardian.
5. Unsafe or reckless behavior is not allowed.
6. Glass is not allowed.
7. Drinking or eating on the skate surface is not allowed.
8. Smoking and vaping are not allowed.
9. Animals are not allowed in the skate bowls.

10. Users of the Skate Park do so at their own risk. The City provides no on-site supervision. The City shall not be liable for any injuries or damage resulting from the use of this facility.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.